

### **REMARKS**

Claims 1, 9, 11 and 18 are amended. Claims 12, 16 and 25-67 are canceled. Claims 68-76 are added. Claims 1-11, 13-15, 17-24 and 68-76 are in the application for consideration.

The specification is amended to correct typographical errors. Entry of the same is requested.

Claims 1 and 12-15 stood rejected as being anticipated by U.S. Patent No. 6,218,233 to Takemura. Applicant disagrees. Specifically, Applicant's independent claim 1 requires feeding at least one oxygen containing vapor precursor to the subject first electrode layer. Takemura does not disclose such, and the language upon which the Examiner relies at column 12 refers to a sputtering deposition, not a deposition whereby a vapor precursor is flowed to a first electrode layer.

Claim 1 also stands rejected as being anticipated by U.S. Patent No. 6,207,522 to Hunt et al. Claim 1 has been amended to recite forming of a conductive metal nitride comprising first electrode layer. Claim 1 is also amended to recite feeding at least one oxygen containing vapor precursor to the conductive metal nitride comprising first electrode layer below a 300°C oxidation temperature under conditions effective to form a first portion oxide material comprising aluminum oxide of a first density. Independent claim 1 is also amended to recite feeding at least one oxygen containing vapor precursor over the first portion at a temperature above the 300°C oxidation

temperature effective to form a second portion oxide material comprising aluminum oxide of a second density. Claim 1 is further amended to recite that the second density is greater than the first density. Support for the same is inherent in Applicant's application as-filed, p.4, paragraph [0006]; and p.11 - p.12, paragraph [0022]. Accordingly, no new matter is added. Amended claim 1 is neither anticipated nor obvious over Hunt et al. nor any other of the references of record whether taken alone or in combination.

Specifically, Hunt et al. does not disclose the combination of forming an aluminum oxide comprising oxide material over a conductive metal nitride comprising first electrode layer at a temperature below 300°C to form a first portion at a first density, and a second portion above 300°C at a greater second density. There simply is no teaching or suggestion regarding density differences in Hunt et al., and certainly not in the context of an aluminum oxide comprising material over a conductive metal nitride comprising material both below and above 300°C. Accordingly, Applicant's independent claim 1 as amended should be allowed, and action to that end is requested.

Dependent claims 68-76 are added. Support for claim 68 can be found in paragraph [0021]. Support for claim 69 can be found in paragraph [0024]. Support for claims 70 and 71 can be found in paragraph [0026]. Support for claims 72-74 can be found in paragraph [0025]. Support for claims 75 and 76 can be found in paragraph [0021]. Claim 75 and 76 are still directed to the elected specie as each requires chemical vapor deposition. These and other of Applicant's dependent claims should be

allowed as depending from allowable base claims, and for their own recited features which are neither shown nor suggested in the cited art. Action to that end is requested.

An earnest attempt has been made to place this application into immediate condition for allowance, and action to that end is requested.

Respectfully submitted,

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